

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CYNTHIA HALL,

Plaintiff(s),

vs.

OCWEN LOAN SERVICING, LLC,

Defendant(s).

Case No. 2:15-cv-0499-RFB-NJK

ORDER GRANTING MOTION
TO STAY DISCOVERY

(Docket No. 15)

Pending before the Court is Defendant's motion to stay discovery pending resolution of its motion to dismiss. *See* Docket No. 15; *see also* Docket No. 6 (motion to dismiss). Plaintiff filed a response in opposition. Docket No. 16. The Court finds the filing of a reply unnecessary. The Court also finds the matter properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the motion to stay is hereby **GRANTED**.

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the

1 merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a
2 claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

3 Having reviewed the underlying motion to dismiss, the Court finds that these elements are
4 present in this case and **GRANTS** the motion to stay discovery. If the motion to dismiss is not granted
5 in full, the parties shall file a proposed discovery plan within seven days of the issuance of the order
6 resolving the motion to dismiss.

7 IT IS SO ORDERED.

8 DATED: July 20, 2015

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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27 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the
28 assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is not intended to prejudice its outcome. *See id.*